

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**TOMMY J. KIMBALL
ADC# 164543**

PLAINTIFF

v.

No. 4:21-CV-00348-LPR

**MONA REAP and
JUSTICE MOTTON**

DEFENDANTS

ORDER

The Court has received a Recommendation from Magistrate Judge Edie R. Ervin, along with timely objections filed by Mr. Kimball. After a careful review of the objections and a *de novo* review of the Recommendation and the record in this case, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court's findings in its entirety.¹

Defendants' motion for summary judgment (Doc. 37) is GRANTED. Judgment shall be entered accordingly, and this case will be CLOSED. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an *in forma pauperis* appeal of this Order, previous Orders, or the accompanying Judgment would not be taken in good faith.

IT IS SO ORDERED this 27th day of December 2022.



LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE

¹ Judge Ervin recommends granting summary judgment because the sole grievance Mr. Kimball filed for the incident at issue was untimely. In his administrative appeal of that grievance, Mr. Kimball asserted that he was prevented from timely grieving the incident at issue. The problem for Mr. Kimball, however, is that he provides no evidence to support the assertion made in his administrative appeal. Indeed, Mr. Kimball provided no evidence at all in this case—having failed to respond to the summary judgment motion.